



The Task Force on Court Facilities
455 Golden Gate Avenue, San Francisco, CA 94102-3660

FINANCE AND IMPLEMENTATION COMMITTEE

Meeting Report

April 27, 2000
915 L Street, Cedar Room
Sacramento

TASK FORCE ATTENDEES: Hon. Daniel Kremer	PRESENTERS: Mr. Jay Smith, DMJM Dr. Thomas Gardner, VITETTA
COMMITTEE MEMBERS: PRESENT: Mr. David Janssen, Chair Mr. Greg Abel Hon. Diane Wick Karen Finn, representing Fred Klass	TASK FORCE STAFF: None present
ABSENT: Hon. Jerry Eaves Mr. Fred Klass	CONSULTANTS TO THE TASK FORCE: Dr. Thomas Gardner, VITETTA Ms. Kit Cole, VITETTA Mr. Jay Smith, DMJM
	GUESTS: John Abbott, Orange County Joseph T. Fallin, Los Angeles Superior Court Al Lopez, Sacramento Superior Court Rubin Lopez, CSAC John Van Whervin, Los Angeles Superior Court

Committee agenda

1. Review and discuss consensus issues reached to date, confirm consensus issues and address outstanding issues.
2. Review and discuss findings regarding criteria for acceptance of buildings, based on information gathered from other state agencies and departments, providing feedback to consultants. Information for this agenda item will be presented at the meeting.
3. Review and discuss findings regarding current and possible court fees, providing feedback to consultants.
4. Update from consultants regarding the survey. Information on this item will be provided at the meeting.
5. Review and discuss outline of legislation, providing feedback to consultants.

Meeting Summary

The Committee focused the majority of its brief meeting time on discussing the issues outlined in the consensus issues matrix. At the conclusion of the meeting, the Committee determined that it was necessary and appropriate to ask the Task Force at its next meeting (May 31/June 1) to review, comment on and approve the main consensus items reached to date, prior to the Committee making any further decisions or recommendations.

Agenda Item #1

Consensus issues reached to date

The Committee discussed the issues matrix prepared by the consultants and generally focused on the left hand column "Ownership" or "Responsibility."

Ms. Finn expressed some concern over using the words "owner," "lease" and "responsibility" interchangeably, since the courts may lease space in a facility and, therefore, not technically own the space.

Mr. Abel stated that he concurred with the statement that the state should have financial responsibility for court facilities, but that the concepts of "ownership" of court facilities and financial responsibility for those facilities should be kept separate.

There was some question among the Committee members as to whether the Judicial Council was permitted by law to own facilities, since most state agencies' facilities are owned by the state Department of General Services (other than the University of California system, which is constitutionally permitted to own facilities).

The agreement among the Committee members was that the state would assume full responsibility for all court facilities.

Ms. Finn raised the concern that if the state is going to assume ownership of court facilities, the state should have the option to dispose of property as it sees appropriate. Mr. Abel was concerned that the counties have the opportunity to "take back" the facility if the state does not plan on using the facility, for whatever reason.

The Committee concluded that the ground rules of transfer grant the counties the first right of refusal on facilities that the state no longer plans to use.

The Orange County representatives agreed to provide to the Committee, prior to its next meeting, its suggestions regarding criteria for transfer of court facilities to the state.

The Committee agreed that mixed-use buildings should be addressed on a building-by-building basis during negotiations between the state and the counties.

The Committee discussed the issue of projects in the pipeline and counties deciding not to continue funding capital outlay projects, specifically from the county's general fund, because of the uncertainty created by the Task Force. For example, Mr. Abbott stated that Orange County had allocated \$30 million in general fund revenue to finance a new courthouse. This money could be used by the county for other purposes should the state have financial responsibility.

The Committee asked the consultants to provide a recommendation at the next Committee meeting to address the issue of counties pulling general fund money out of capital projects should the state be made financially responsible for court facilities.

Agenda Item #2

Criteria for acceptance of buildings

Dr. Gardner made a brief presentation on the Committee's options in terms of establishing the criteria for acceptance of buildings by the state from the counties: a rules-dominated approach and a process-oriented approach.

The Committee determined that a process-oriented approach to establishing guidelines was optimal and directed the consultants to return to the next Committee meeting with a draft of process-oriented criteria. Additionally, the Committee indicated that the criteria should include a reasonable timeline for the transfer of responsibility for facilities, as well as an appeals process should the counties wish to appeal the outcome of the negotiations with the state.

Agenda Item #3

Current and possible court fees

Dr. Gardner briefly presented the findings of the consultants related to court fees, which were highlighted in the Committee's agenda packet. In summary, twenty-five to 50% of future facility need could be addressed through increases of current fees or expansion of current fees to other counties. Should the state assume responsibility for all court facilities, 75% or more of new construction would have to be funded by either the state general fund, state bonds or other funding sources.

Dr. Gardner mentioned that a revenue and responsibility sharing arrangement between the state and the counties might maximize the locals' incentive to collect fees that would be used for capital outlay. Dr. Gardner presented an example of such an arrangement, including allowing local courts to have some discretion over minor capital outlay projects

Ms. Finn expressed concern over separating capital responsibilities between the state and counties and suggested that the goals of the local court might conflict with the goals of the state in some cases.

The Committee decided that the consultants' research on potential fees and fee generation and that additional research was not necessary. The Committee determined that any fees earmarked to pay for items related to court facilities should represent increases or expansion of existing fees (i.e., increasing the current Courthouse Construction fee or making the Riverside Court fees applicable to all counties) rather than establishment of new fees.

Agenda Item #4

Update regarding the survey

Dr. Gardner briefly updated the Committee on the status of the survey. Additional material and further updates will be provided at the meeting in Redding.

Agenda Item #5

Outline of legislation

There was not sufficient time for the Committee to discuss the outline of legislation provided by the consultants. The Committee directed the consultants to present to the Committee an expanded draft of the legislation at the June 1 meeting.

Follow up items

At the conclusion of the meeting, the Committee directed the consultants to update the matrix of consensus issues and schedule a conference call with the Committee to determine those items that should go before the full Task Force at the

The next meeting of the Committee will be June 1 in Redding.